UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,906	06/18/2007	Motooki Sugihara	46970-5278	8310

55694 7590 09/26/2011

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER	
ADAMS, EILEEN M	

ART UNIT	PAPER NUMBER
2481	

NOTIFICATION DATE	DELIVERY MODE
09/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DBRIPDocket@dbr.com
penelope.mongelluzzo@dbr.com

Office Action Summary	Application No.	Applicant(s)	
	10/594,906	SUGIHARA ET AL.	
	Examiner	Art Unit	
	EILEEN ADAMS	2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1,2,4,5 and 8-13* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1,2,4,5 and 8-13* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☒ The drawing(s) filed on *29 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

RESPONSE TO ARGUMENTS

1. The February 17, 2011 objection to Claim 2 is withdrawn in light of Applicant's amendment filed on June 16, 2011.

2. The rejections to Claims 8-9 under 35 U.S.C. §112 second paragraph are withdrawn in light of Applicant's amendment

3. Applicant's arguments and amendment filed June 16, 2011 with respect to the rejections of Claims 8 and 9 under 35 U.S.C. §101 and Claims 1-2, 4-5, and 8-13 under 35 U.S.C. §103(a) have been considered but are not persuasive.

4. Regarding Applicant's first argument:

> "Claims 8-9 stand rejected under 3 5 U.S.C. § 101 because the 'claimed invention is directed to non-statutory subject matter.' Applicants have amended independent claim 8 and dependent claim 9 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims in response to the Examiner's comments at pages 4-5 of the Office Action. Accordingly, Applicants respectfully submit that independent claim 8 and dependent claim 9 fully comply with the requirements of 35 U.S.C. § 101. Accordingly, withdrawal of the rejections under 35 U.S.C. § 101 is respectfully requested for at least the foregoing reasons." [Page 8 paragraph 3]

Examiner respectfully asserts that amending claims 8 and 9 to contain the limitation 'product' does not remedy the non-statutory matter defect. Applicant's disclosure is silent on the definition of 'computer program product' as being limited to hardware or to a tangible product. Under the broadest reasonable interpretation, 'computer program product' may be construed as being directed toward software. As such, the rejections to Claims 8 and 9 under U.S.C. § 101 stand.

5. Regarding Applicant's second argument:

> "Applicants respectfully submit that in newly-amended independent claims 1 and 8 of the instant application, the phrase 'the reencoding means reencodes the corresponding acquired recorded information to be degraded after an elapsed time from recording' in response to the preference degree is described, for example, in paragraphs [0022] to [0027] of the specification and Fig. 1 of the instant application. Applicants respectfully submit that this phrase is not disclosed, or even suggested, by any of the cited references, whether taken separately or in combination with each other. Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because none of Logan, Imada, and Dudkiewicz, whether taken separately or combined, teach or suggest each feature of newly-amended independent claims 1 or 8 of the instant application" [Page 9 paragraph 2 – Page 10 paragraph 1]

Examiner respectfully asserts Logan, Imada, and Dudkiewicz, whether taken separately or combined, teach or suggest each feature of newly-amended independent claims 1 or 8 of the instant application (See rejection contained herein). Accordingly, the rejections to said claims stand.

FINAL REJECTION

35 USC § 112 Sixth Paragraph

6. MPEP 2181 discloses that a claim limitation will be presumed to invoke 35 U.S.C. 112 6th paragraph if it meets the following 3-prong analysis:

   A. the claim limitations must use a non-structural term;

   B. the non-structural term must be modified by functional language;

   C. the non-structural term must not be modified by sufficient structure, material, or acts for achieving the specified function.

7. **Claims 1-2, 4-5, and 10-11** discloses limitations which are presumed to invoke 35 U.S.C. 112 6th paragraph as said limitations meet said 3-prong analysis.

8. The disclosed "acquiring means" corresponds to "broadcast receiver 6" (see page 15 as well as item 6 in figure 2); the disclosed "viewing means" corresponds to "MPEG decoder" (see page 16, wherein it is disclosed that "an MPEG decoder that decodes (reproduces) the encoded broadcast program data...not illustrated because they are well known"); the disclosed "preference-degree setting means" corresponds to "program managing unit 8" (see page 15

and item 8 in figure 2); the disclosed "encoding-form setting means" corresponds to "program managing unit 8" (see page 15 and item 8 in figure 2); the disclosed "reencoding means" corresponds to "reencoding unit 9" (see page 15 and item 9 in figure 2); the disclosed "accumulating means" corresponds to "accumulation unit 7" (see page 15 where it is disclosed that this unit is a HDD, as well as item 7 in figure 2);

the disclosed "deleting means" corresponds to "reencoding unit 9" (see page 18 wherein it is disclosed "...controls the reencoding unit 9 to delete the recorded broadcast program determined to be deleted..."); the disclosed "knowledge-database updating means" corresponds to "program managing unit 8" (see page 23); the disclosed "recording means" corresponds to "disc drive 10" (see page15 and item 10 in figure 2); the disclosed "reproduction-state recording means" corresponds to "accumulation unit 7" (see page 15 where it is disclosed that this unit is a HDD, as well as item 7 in figure 2); and, the disclosed "setting means" corresponds to "program managing unit 8" (see page 15: "The program managing unit 8...serves as a preference-degree setting unit..."; see item 8 in figure 2).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. **Claims 8-9** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Said claim discloses a "recording program" (line 1) and a "recording medium" (line 4). However, said claim fails to disclose that said "recording program" is stored on said "recording medium." Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Note: A "signal" (or equivalent) embodying functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. **Claims 1-2, 4-5, 8-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al (US PgPub 20030093790) in view of Imada et al (US Patent 7,254,318) and in view of Dudkiewicz et al (US Patent 7,434,247).

11. **Regarding claim 1** Logan discloses **an information recorder** (see figure 1 particularly User Location 141 as well as [0053]: "The broadcast programming content received at the user location at 141 may be immediately processed or stored for later processing or viewing) **comprising**:

an acquiring means for acquiring, from the outside, a recorded information to be reproduced (see figure 1 particularly Broadcast Programming Source 100 and User Location 141 as well as paragraphs [0062] - [0063]: "It is important to observe that the 'broadcast programming' from the source 100 is available for processing at both a remote station and at the user's location as illustrated in Fig. 1...the principles of the invention are...equally applicable to...programming that is published via the Internet, and to programming such as movies which are transported to the user on published data storage media, such as DVD disks.");

a viewing means for viewing the acquired recorded information (see [0056]: "The resulting program content which is in condition for playback may be immediately presented to the user, or it may be stored at 163 for selective playback at a more convenient time as indicated at 171 and 190."; see [0260]: "The user may select items from this EPG display to record or play incoming broadcasts (or both), may play previously recorded programming..."); **a knowledge database for extracting keywords related to the viewed recorded information to accumulate and store the keywords** (see [0200] & [0203]: "...the slug might just be a list of key words...Preference setting by each viewer would customize the presentation in a number of ways. The user could input levels of" hardness," the density of bookmarks, and the maximum or minimum length of segments desired...The viewer could also input keywords that would signify extra interest."); **a preference-degree setting means for setting a preference degree of a user for the recorded information per recorded information by comparing the keywords stored in the knowledge database with a keyword related to the recorded information to be reproduced** (see [0204] - [0205]: "Alternatively, the system could deduce these parameters (desired density, for instance) or keywords on a viewer-by-viewer basis. If a user continually skipped out of a segment shortly after landing each time, the system might deduce that the user was not that interested in the content and therefore reduce the density of presented bookmarks. If the system deduced a keyword for a user, it could then find the closest bookmark with which to demarcate it. For

instance, if a keyword is found, the system might lower its threshold of tolerance for creating a bookmark this allowing one to appear shortly before the word."); **an encoding-form setting means for responding to the set preference degree to set a reencoding form or deletion form for the acquired recorded information per recorded information** (see [0117]: "The user's specification or preferences as stored at 117 are then used at 115 to select only that metadata which best fits the user's needs for transmission to the user's metadata storage at 133."; see [0118]: "The user's preferences may be derived from his or her activity. For example, the particular programs a user chooses to save or view may be monitored to determine the user apparent content preferences...Alternatively, 'user log' data recording the user's activity may be transmitted to the remote location where it is analyzed to produce preference data."; see [0121]: "a.) Preference data may be used at 151 to select or discard particular received broadcast segments so that only those which are more likely to be of interest to the user are saved, thus conserving storage space."; see [0126]: "f.) Preference data for individual users or combined preference data from many users may be used...to determine which programming content and descriptive metadata should be stored, and when previously stored content and metadata should be discarded...")...and...

a deleting means for deleting the corresponding recorded information accumulated in the accumulating means by using the set deletion form (see [0121]: "a.) Preference data may be used at 151 to select or discard particular

received broadcast segments so that only those which are more likely to be of interest to the user are saved, thus conserving storage space.").

However, Logan does not disclose but Imada discloses **a reencoding means for reencoding the corresponding acquired recorded information by using the set reencoding form to generate reencoded recorded information; an accumulating means for accumulating the generated reencoded recorded information** (see column 10, lines 30-49: "An embodiment 2 regards to selection of contents to be re-encoded...performs scheduling so that the order of contents to be backed up is determined in a manner of minimizing the time taken for re-encoding. The order is determined based on priorities assigned to each content, namely first priority, second priority, and third priority..."; see figure 3 particularly step S15 which discloses a re-encoding operation; see column 10, lines 64-67: "With these events, contents to be copied are selected. Each content to be copied is a content that the user desires to record in a DVD without degrading image quality at an early stage of the overall processing.").

However, Logan does not disclose but Imada discloses **wherein the reencoding means reencodes the corresponding acquired recorded information to be degraded** (Imada discloses degradation occurring during a re-encode of content “before starting the re-encoding in the step S15 …the drive controller 15 calculates the degradation ratio by calculating the bit rate A/the bit rate C. Once the degradation ratio is calculated, the drive controller 15 displays,

in the step S67, the menu as shown in FIG. 17 with the degradation ratio and the reproduction displayed therein" [Figs. 17 and 18] [col. 17 line 65 – col. 18 line 9]) **after an elapsed time from recording** (Although Imada teaches re-encoding after an elapsed time from recording via a user selection instructing re-encoding to commence some time after said recording, Imada do not explicitly disclose the time as a predetermined or automatic 'elapsed time'. However, Official Notice is taken that both the concept and the advantage of allowing some period of time to elapse or pass between encoding and re-encoding so as to make a determination if re-encoding for degradation is required is well known and expected in the art. Thus it would have been obvious to one skilled in the art, at the time of the applicants invention, to realize that a passing or elapsing of time after recording for re-encoding to potentially occur as taught by Imada because such a time lapse would allow a user to decide if re-encoding and content degradation should be invoked "FIG. 17 with the degradation ratio and the reproduction displayed therein and waits for the user input to a button to determine, according to the input, whether the user agrees to re-encode the content or not. In the case the user agrees to re-encode the content, the drive controller 15 instructs the MPEG encoder 2, in the step S15, to start re-encoding the content at the bit rate A. Alternatively, in the case that the user does not agree to re-encode the content, the drive controller 15 performs the step S20 thereby to inform the user that the disc is full" [Figs. 17 [col. 18 lines 7-18]) .

Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify the apparatus of Logan to include the teachings of Imada, for the purpose of making more efficient use of a recording medium by including **a reencoding means for reencoding the corresponding acquired recorded information by using the set reencoding form to generate reencoded recorded information; an accumulating means for accumulating the generated reencoded recorded information wherein the reencoding means reencodes the corresponding acquired recorded information to be degraded after an elapsed time from recording** where the benefit of Imada is achieved by a recording apparatus for writing a plurality of contents stored in a first recording medium to a second recording medium that is smaller in capacity than the first recording medium where the recording apparatus comprises a first duplicating unit operable to copy at least one of the contents to the second recording medium; and a second duplicating unit operable to re-encode a remaining one of the contents to reduce a size thereof, and to write the re-encoded content to the second recording medium.

Logan and Imada do not disclose but Dudkiewicz discloses **a knowledge-database updating means for updating preference points assigned to the keywords stored in the knowledge database** (see column 11, lines 3-9: "A Category_List field provides goodness of fit scores for the programming event with respect to categories in a classification hierarchy...A Keyword_List field contains keywords describing the subject matter of the programming event and

may further contain goodness of fit scores for each keyword."; see column 13, lines 17-25: "The candidate keywords are provided (222) as input to a classification tool configured to generate goodness of fit scores for categories of a classification hierarchy. Keywords are then selected (224) from among the candidate keywords based on the category goodness of fit scores generated for each of the candidate keywords by the classification tool. The selected keywords are then stored (226) as a component of metadata for the programming event."; column 13, lines 62-64: "...the system use is preferably enabled to...add or change a category goodness of fit score."; column 16, lines 31-38: "In addition, the viewer may enter score for each category in the classification hierarchy, may associate keywords with categories of the classification hierarchy as qualified keywords, and may associate preference scores with keywords and qualified keywords. The user interface preferably allows the user to navigate through the classification hierarchy structure and to enter scores for categories as desired."),

Logan and Imada do not disclose but Dudkiewicz discloses **wherein the preference-degree setting means determines degree of matching between the keywords stored in the knowledge database and the keyword related to the recorded information to be reproduced to extract a matched keyword, thus setting the preference degree by adding or subtracting a preference point set to the extracted keyword** (see column 11, line 66 through column 12, line 6: "...PDD and production data for a programming event may be searched with respect to each category of the hierarchy to generate a list of matched

categories with associated confidence scores in a range from 1% to 100%. The confidence score for each matched category is used as that category's goodness of fit score, and categories having no match are treated as having goodness of fit scores of zero."; column 12, lines 36-41: "Once determined, the identifiers and associated goodness of fit scores of the representative categories are stored in delimited fashion (56). Other data is also generated through processing of the PDD and production data and is stored together with the goodness of fit scores in delimited fashion to comprise metadata for the programming event."; column 12, lines 55-63: "...all text data associated with the programming event such as script data and PDD data is processed to identify all verbs and all nouns and associated adjectives contained therein. These candidate keywords are then provided as input to the categorization tool, which produces a goodness of fit score for each category of the classification hierarchy based on each input candidate keyword. Keywords are then chosen from among the candidate keywords based on the highest goodness of fit score.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Logan and Imada to include the teachings of Dudkiewicz, for the purpose of enabling intelligent identification of programming events to automatically record programming events of interest (see Dudkiewicz, column 3, lines 54-67).

12. **Regarding claim 2** Logan discloses **the information recorder according to claim 1, wherein**

the knowledge-database updating means for responding to viewing, storage and deletion of recorded information corresponding to a keyword to be updated by changing a preference point related to the keyword (see [0096]: "...the preferences of the user as stored in 117 may be expressly stated by the user or derived from the user's viewing history."; by changing a preference point, see [0118]: "...the particular programs a user chooses to save or view may be monitored to determine the user apparent content preferences."; see [0139]: "...the locally created metadata may be the result of interactive choices made by the viewer...may indicate whether or not given program segments had been (a) selected for storage...(b) selected for actual viewing, (c) viewing for a specified period before being terminated...").

13. **Regarding claim 4**, Logan discloses **the information recorder according to claim 1,**

Logan and Imada do not disclose but Dudkiewicz discloses **wherein the preference-degree setting means further comprising: a selecting means used by the user to select a preference degree from a plurality of preference degrees for the recorded information** (see column 16, lines 31-38: "In addition, the viewer may enter score for each category in the classification hierarchy, may associate keywords with categories of the classification hierarchy as qualified keywords, and may associate preference scores with keywords and

qualified keywords. The user interface preferably allows the user to navigate through the classification hierarchy structure and to enter scores for categories as desired."); **and a recording means for recording the selected preference degree per recorded information** (see column 13, lines 17-25: "The candidate keywords are provided (222) as input to a classification tool configured to generate goodness of fit scores for categories of a classification hierarchy. Keywords are then selected (224) from among the candidate keywords based on the category goodness of fit scores generated for each of the candidate keywords by the classification tool. The selected keywords are then stored (226) as a component of metadata for the programming event."). (The motivation that applied in Claim 1 applies equally in Claim 4)

14. **Regarding claim 5**, Logan discloses **the information recorder according to claim 1, wherein**

the preference-degree setting means includes: a reproduction-state recording means for accumulating and recording a previous reproduction state of the user of each of the recorded information; and a setting means for setting the preference degree per recorded information based on the accumulated and recorded reproduction state (see [0096]: "...the preferences of the user as stored in 117 may be expressly stated by the user or derived from the user's viewing history."; see [0118]: "...the particular programs a user

chooses to save or view may be monitored to determine the user apparent content preferences."; see [0139]: "...the locally created metadata may be the result of interactive choices made by the viewer...may indicate whether or not given program segments had been (a) selected for storage...(b) selected for actual viewing, (c) viewing for a specified period before being terminated...").

15. **Regarding Claim 8 An information recording program product allowing a computer, included in an information recorder to acquire and record recorded information to be reproduced, to function as** (See said analysis for Claim 1)**:**

a viewing means for viewing recorded information acquired from the outside (See said analysis for Claim 1)**;**

a preference-degree setting means for setting a preference degree of a user for the recorded information per recorded information by using a knowledge database for extracting keywords related to the viewed recorded information to accumulate and store the keywords and by comparing the keywords stored in the knowledge database with a keyword related to the recorded information to be reproduced (See said analysis for Claim 1)**,**

an encoding-form setting means for responding to the set preference degree to set a reencoding form or deletion form of the acquired recorded information per recorded information (See said analysis for Claim

1);

a deleting means for deleting the corresponding recorded information by using the set deletion form (See rationale and motivation as applied to Claim 1);

Logan does not disclose but Imada discloses **a reencoding means for reencoding the corresponding acquired recorded information by using the set reencoding form to generate reencoded recorded information** (See rationale and motivation as applied to Claim 1)**; wherein the reencoding means reencodes the corresponding acquired recorded information to be degraded after an elapsed time from recording** (See rationale and motivation as applied to Claim 1)

Logan and Imada do not disclose but Dudkiewicz discloses **a knowledge-database updating means for updating preference points assigned to the keywords stored in the knowledge database wherein the preference-degree setting means determines degree of matching between the keywords stored in the knowledge database and the keyword related to the recorded information to be reproduced to extract a matched keyword, thus setting the preference degree by adding or subtracting a preference point set to the extracted keyword** (See rationale and motivation as applied to Claim 1)

16. **Regarding Claim 9 The information recording program product according to claim 8,**

wherein the knowledge-database updating means responds to viewing, storage and deletion of recorded information corresponding to a keyword to be updated by changing a preference point related to the keyword (See rationale and motivation as applied to Claim 2)**.**

17. **Regarding Claim 10 The information recorder according to claim 1,**

Logan does not disclose but Imada discloses **wherein the reencoding means reencodes the corresponding acquired recorded information to be degraded in accordance to elapsed time** (See said analysis for Claim 1)**.** (The motivation that applied in Claim 1 applies equally to Claim 10).

18. **Regarding Claim 11 The information recorder according to claim 1,**

Logan does not disclose but Imada discloses **wherein the reencoded recorded information is kept for a period of time** (Imada discloses "Once the bit rate is calculated, the content 1 is re-encoded and recorded in the DVD as indicated by an arrow cy6 in FIG. 12. Although slightly lower than the original bit rate of 9.5 Mbps, the bit rate of 7.74 Mbps is still high in comparison with those of the contents 2-4. That is to say, the user's request to save the content 1 with a possible highest quality is satisfied" [Fig 12 [col. 13 lines 41-49]) (The motivation that applied in Claim 1 applies equally to Claim 11).

19. **Regarding Claim 12 The information recording program product according to claim 8,**

Logan does not disclose but Imada discloses **wherein the reencoding means reencodes the corresponding acquired recorded information to be degraded in accordance to elapsed time** (See said analysis for Claim 1)**.** (The motivation that applied in Claim 1 applies equally to Claim 10)**.**

20. **Regarding Claim 13 The information recorder according to claim 8,**

Logan does not disclose but Imada discloses **wherein the reencoded recorded information is kept for a period of time.** (See said analysis for Claim 11)**.**

Conclusion

21. **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eileen Adams whose telephone number is (571) 270-3688. The examiner can normally be reached on Mon-Thurs from 7:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4688.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EILEEN ADAMS/
Examiner, Art Unit 2481

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2481